

### **Remarks**

Claims 1, 3, 4, and 6-22 were pending in the application. According to the Notice of Non-Compliance, the amendment filed on November 22, 2010 proposed amendments to the claims that do not comply with 37 C.F.R. § 1.173(b). The undersigned respectfully submits that the amendments above comply with Rule 1.173.

In an Office Action mailed July 21, 2010, claims 1, 3, 4 and 6-22 were rejected under 35 U.S.C. 251 because claim 11 was not in compliance with 37 CFR 1.173(b), (d). On November 22, 2010, a response was filed in which claim 11 was amended so that "first" before "upper parts of the stockpiling conveyor" is not underlined because patent claim 11 already recites "first upper parts of the stockpiling conveyor." However, according to the March 1 Notice, the response dated November 22 did not comply with 37 C.F.R. § 1.173. Accordingly, the same amendments are re-submitted above, and the undersigned respectfully submits that these amendments are now in compliance.

The undersigned respectfully submits that claims 1, 3, 4, and 6-22 are in a condition for allowance. Accordingly, a Notice of Allowance is respectfully requested.

It is noted that claimed subject matter may be patentably distinguished from the references of record for reasons in addition to those set forth herein, reasons such as those articulated in papers previously submitted regarding the subject application. Likewise, it is noted that failure, if any, to comment directly upon any of the positions asserted in the Office Action does not indicate tacit agreement or acquiescence with those asserted positions.

Questions concerning the present paper may be directed to the undersigned. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge Deposit Account No. 500393.

Respectfully submitted,  
Schwabe, Williamson & Wyatt, P.C.

Dated: April 1, 2011

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